

TORTURE IS A CRIME

Mr. LEAHY. Mr. President, I want to take a moment today to speak about an issue that has been discussed in the press recently, which is the use of torture to obtain information from persons who are suspected of being terrorists.

It is well-established that torture is a violation of international law, by which our country is bound. It is also a violation of our own laws. Yet commentators have been quoted by the press saying that in certain limited circumstances, when the threat is a possible terrorist attack, the use of torture is justified. Some have even suggested that since torture is used, why not simply admit it and accept it as a fact of life?

These are not easy questions. Who does not want to do everything possible to save innocent lives? We all do. But the United States is a nation of laws, and I reject the view that torture, even in such compelling circumstances, can be justified. I would hope all countries would uphold their obligations under international law, but that is not the case. It is the 21st century, and yet torture is used by government security forces in some 150 countries.

We have often spoken about how important it is not to let the terrorists win. We try not to let ourselves be intimidated. We take precautions, but we go about our daily lives.

The same holds true of the tactics terrorists use. If we don't protect the civil liberties that distinguish us from terrorists, then the terrorists have won.

Torture is among the most heinous crimes, and there is no justification for its use. One need only review history to understand why there can be no exception to torture. The torture of criminal suspects flagrantly violates the presumption of innocence on which our criminal jurisprudence is based, and confessions extracted as a result of torture are notoriously unreliable.

Also, history has shown that once an exception is made for torture, it is impossible to draw the line. If we can justify torture in the United States, then what is to prevent its use in China, Iraq, Chile, or anywhere else? If torture is justified to obtain information from a suspected terrorist, then why not torture the terrorist's wife and children, or his friends and acquaintances who may know about his activities or his whereabouts? In fact, that is what happens in many countries.

There is also the issue of what constitutes torture versus acceptable, albeit harsh, treatment.

Torture is defined in the Convention Against Torture, which the United States ratified, as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession . . .".

A March 4 article in the New York Times described the treatment of Af-

ghan prisoners at the Bagram air base. Two former prisoners, both of young age, recently died in U.S. military custody. Other prisoners described being forced to stand naked in a cold room for 10 days without interruption, with their arms raised and chained to the ceiling and their swollen ankles shackled. They also said they were denied sleep for days and forced to wear hoods that cut off the supply of oxygen.

I do not believe that prisoners of war, some of whom are suspected of having killed or attempted to kill Americans, should be rewarded with comforts. Harsh treatment may, at times, be justified.

However, while I cannot say whether the treatment described by these Afghan prisoners amounts to torture under international law, it does sound cruel and inhumane. The inhumane treatment of prisoners, whoever they are, is beneath a great nation. It is also illegal. That is the law whether U.S. military officers engage in such conduct themselves, or they turn over prisoners to the government agents of another country where torture is commonly used, in order to let others do the dirty work.

Some of these Afghan prisoners may be guilty of war crimes. Some may be members of al-Qaida but may have never fired a shot. Others may be completely innocent. But regardless, I was not proud when I read that article, and when I think of how often I and other Members of Congress have criticized other governments for treating prisoners that way. It undermines our reputation as a Nation of laws, it hurts our credibility with other nations, and it invites others to use similar tactics.

I am encouraged that the Department of Defense is conducting a review of the deaths of the two Afghans at Bagram, both of which were ruled homicides by an American pathologist. Those responsible for what happened must be held accountable. But I also urge the Department to review whether the interrogation techniques used there, and at other U.S. military facilities are fully consistent with international law. It should not take a homicide to reveal that prisoners in U.S. custody are being mistreated.

I yield the floor.

WELCOMING THE PRIME MINISTER OF IRELAND

Mr. DODD. Mr. President, I want to take a moment to welcome the Prime Minister of Ireland, who is here today. You will notice, I have a green tie on today. I am fully aware, as most Americans are, that St. Patrick's Day is on the 17th day of March, not the 13th day of March. But when the Prime Minister of Ireland arrives here to celebrate St. Patrick's Day a little earlier this year, those of us who are of Irish descent—and even those who are not but wish they were—generally wear a little green to celebrate this festive holiday.

Prime Minister Ahern was at a lunch a little while ago hosted by the distin-

guished Speaker of the House, DENNY HASTERT. Vice President CHENEY was also in attendance representing the President, who normally would be attending an event such as this today, but, obviously, events in the Middle East made it difficult for him to get away. All of us understand that. We regret he was not able to be with us, but we fully appreciate there are other matters that require his more immediate attention.

But we thank the Prime Minister, the Taoiseach of Ireland, for him not only being here but for his tremendous work, along with Tony Blair and other political leaders in Northern Ireland, particularly Jerry Adams and David Trimble, in their efforts to try to resolve, once and for all, the political disputes that have been so devastating on the people of Northern Ireland over these last number of years. Based on conversations we have had, it would appear that we are getting very close to, hopefully, a final resolution of those issues.

So I welcome the Prime Minister and other political leaders from Ireland and Northern Ireland who have come, as they traditionally do, to celebrate St. Patrick's Day, but have made this a working holiday, if you will, to engage in further conversations on what we might do to help resolve the matters of Northern Ireland, as well as to listen to their sound advice and observations regarding the turmoil that is brewing in the Middle East.

ELIZABETH SMART AND THE NATIONAL AMBER ALERT NETWORK ACT

Mr. REID. Mr. President, I, like all of America, was elated last night when we heard the news that the young girl from Utah, Elizabeth Smart, who had been missing for more than 9 months, had been found and reunited with her family. Most of the time, the vast majority of these stories about these girls—mostly girls who are kidnapped, abducted, stolen—end in bad news. This ended in good news.

As a father and grandfather, I really don't know the emotion of a parent who has a child stolen. An abducted child must be the worst nightmare of a parent. But this nightmare ended as I have just related.

The Justice Department says the number of children taken by strangers annually is between 3,000 and 4,000—it varies but thousands of children. Every day children are stolen. These children and their parents deserve the assistance of the American people and the helping hand of the Federal Government.

We stand ready and willing to help. We all feel so helpless when a child is kidnapped. What can we do to help? There is not very much because mostly these stories end, not like Elizabeth Smart's, they end in tragedy. For the past 2 years, Senators LEAHY, HATCH, HUTCHISON, FEINSTEIN, and others have